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RUEHPB/AMEMBASSY PORT MORESBY PRIORITY 3615
RUEHKO/AMEMBASSY TOKYO 1385
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DEPT FOR EAP, EAP/MTS, EAP/MLS, EAP/ANP, DRL/AWH
NSC FOR E.PHU

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SUBJECT: PAPUA -- ACTIVIST'S TRIAL ON INCITEMENT CHARGES
SET TO BEGIN

REF: 07 JAKARTA 3401 AND PREVIOUS

Classified By: Acting Pol/C Daniel Turnbull for reasons 1.4 (b,d).

11. (C) SUMMARY: Detained Papuan human rights lawyer Sabar Iwanggin, accused of inciting public hatred with inflammatory SMS messages, goes to trial Monday, January 7, in Jayapura, Papua. Iwanggin's defense rests on the claim that he was not the source of the messages and that his forwarding them did not cause any public disturbances. Mission continues to raise the case with the GOI. END SUMMARY

12. (SBU) IWANGGIN TO COURT: The trial of detained Papuan human rights lawyer Sabar Iwanggin will begin on Monday, January 7, at Jayapura City Court. Prosecutors have charged him under Section 160 of the Penal Code for "Inciting Public Hatred." The charge stems from Iwanggin's October 18 arrest for sending SMS messages alleging that President Yudhoyono was behind a plot to poison Papuans with tainted food. The maximum sentence possible under this charge is six years in prison.

13. (C) DEFENSE STRATEGY: Iwanggin's lead defense lawyer, Aloysius Renwarin, told poloff on January 4 that the defense will pursue a three-pronged strategy. They will argue that Iwanggin was not the source of the SMS messages but only forwarded them to his family and friends. To make this case, they plan to bring to court a witness who will admit to having sent the messages to Iwanggin. Secondly, the defense plans to demand the right to examine in court the electronic equipment that the police reportedly use to monitor Iwanggin's mobile phone. Renwarin expects that the authorities will resist the demand, thereby allowing him to challenge the veracity of the evidence. Finally, the defense will claim that since no breach of the peace occurred as a result of the messages, no damage resulted from Iwanggin's forwarding the messages.

14. (C) Iwanggin's lawyers think that prosecutors will seek a heavy sentence, possibly the maximum allowable under this section of the penal code. Ecoline Titumorang, another member of the legal team, told poloff that Papuan courts routinely hand out sentences harsher than those of their Jakarta counterparts.

15. (C) RAISING USG CONCERNS: Poloff reiterated USG concern about the case to Wiwiek Setyawati of the Directorate of Human Rights and Humanitarian Affairs at the Department of

Foreign Affairs (DEPLU). She said that DEPLU officials were concerned about the case and its possible impact on Indonesia's international reputation. DEPLU officials were continuing to press authorities in Papua having for information about the case and would continue to follow the matter.

¶6. (C) ALL BETS OFF: Papuan authorities have so far made no attempt to bring similar charges against others in this case.

It seems reasonably clear that the culpatory messages circulated widely and therefore could not have originated from Iwanggin's phone. Authorities have carefully avoided making this assertion. Despite their almost certain selectivity in charging only Iwanggin, the involvement of others may not have much bearing on their ability to make the charges stick.

HUME